

AMENDED IN SENATE JULY 12, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN ASSEMBLY APRIL 26, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1723

Introduced by Assembly Member La Malfa

February 22, 2005

An act to add Section 25302.5 to the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1723, as amended, La Malfa. Integrated energy policy report: load loss or addition.

Existing law requires the State Energy Resources Conservation and Development Commission (*Energy Commission*) to prepare an integrated energy policy report every 2 years. Existing law requires the report to contain an overview of major energy trends and issues facing the state, including, but not limited to, supply, demand, pricing, reliability, efficiency, and impacts on public health and safety, the economy, resources, and the environment.

Under existing law, the Public Utilities Commission (CPUC) has regulatory authority over public utilities, including electrical corporations. The existing Public Utilities Act requires the CPUC to review and adopt a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives.

This bill would require each entity that serves or plans to serve electricity to retail customers to provide the ~~commission~~ *Energy Commission* with its forecast, as part of each integrated energy policy report, of (1) the amount of its forecasted load that may be lost or added by a community choice aggregator, an existing local publicly owned electric utility, or a newly formed *local* publicly owned *electric* utility, and (2) the load that will be served by an ~~energy~~ *electric* service provider. The bill would require the ~~commission~~ *Energy Commission* to perform ~~a nonbinding informational~~ *an* assessment in the service territory of each electrical corporation of the loss or addition of load specified in (1) and submit the results of that assessment to the ~~Public Utilities Commission~~ *CPUC*. The bill would authorize the ~~commission~~ *CPUC* to exempt from these forecasting requirements a local publicly owned electric utility that is not planning to acquire additional load previously served by an electrical corporation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25302.5 is added to the Public
2 Resources Code, to read:
3 25302.5. (a) As part of each integrated energy policy report
4 required pursuant to Section 25302, each entity that serves or
5 plans to serve electricity to retail customers, including, but not
6 limited to, electrical corporations, nonutility electric service
7 providers, community choice aggregators, and local publicly
8 owned electric utilities, ~~as defined in subdivision (d) of Section~~
9 ~~9604 of the Public Utilities Code~~, shall provide the commission
10 with its forecast of both of the following:
11 (1) The amount of its forecasted load that may be lost or added
12 by any of the following:
13 (A) A community choice aggregator.
14 (B) An existing local publicly owned electric utility, ~~as~~
15 ~~defined in subdivision (d) of Section 9604 of the Public Utilities~~
16 ~~Code~~.
17 (C) A newly formed ~~publicly owned~~ *local publicly owned*
18 *electric* utility.

1 (2) Load that will be served by an ~~energy~~ *electric* service
2 provider.

3 (b) The commission shall perform an assessment in the service
4 territory of each electrical corporation of the loss or addition of
5 load described in this section and submit the results of the
6 assessment to the Public Utilities Commission. ~~The assessment~~
7 ~~shall not be binding on the Public Utilities Commission.~~

8 ~~(c) The assessment performed by the commission pursuant to~~
9 ~~subdivision (b) is for informational purposes only and shall not~~
10 ~~be considered conclusive for purposes of resource and~~
11 ~~procurement planning, or determining cost recovery or exit fees.~~

12 ~~(d)~~
13 (c) Notwithstanding subdivision (a), the commission may
14 exempt from the forecasting requirements in that subdivision a
15 local publicly owned electric utility, ~~as defined in subdivision (d)~~
16 ~~of Section 9604 of the Public Utilities Code~~, that is not planning
17 to acquire additional load previously served by an electrical
18 corporation within the forecast period provided by the
19 commission pursuant to Section 25303.

20 (d) *For purposes of this section, the following terms have the*
21 *following meanings:*

22 (1) *“Community choice aggregator” means any “community*
23 *choice aggregator” as defined in Section 331.1 of the Public*
24 *Utilities Code and organized and operating pursuant to Section*
25 *366.2 of the Public Utilities Code.*

26 (2) *“Electrical corporation” means any “electrical*
27 *corporation” as defined in Section 218 of the Public Utilities*
28 *Code.*

29 (3) *“Electric service provider” means any “electric service*
30 *provider” as defined in Section 218.3 of the Public Utilities*
31 *Code.*

32 (4) *“Local publicly owned electric utility” means any “local*
33 *publicly owned electric utility” as defined in Section 9604 of the*
34 *Public Utilities Code.*